

# **EXHIBIT 1**

Declaration of Eric D. Hone

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13 | Attorneys for Defendant Top Rank, Inc.

UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

16 TERENCE CRAWFORD, an individual,

Case No. 2:22-cv-00081-APG-EJY

17 Plaintiff

**DECLARATION OF ERIC D. HONE  
IN SUPPORT OF TOP RANK,  
INC.'S OPPOSITION TO  
PLAINTIFF'S MOTION TO  
REMAND**

18 ||

10 | TOP BANK RISKS | November 2011

19 TOP RANK, INC., a Nevada co  
Does 1 through 20, inclusive.

## Defendants.



## **DECLARATION OF ERIC D. HONE**

I, ERIC D. HONE, hereby declare:

3       1. I am an attorney at the law firm of Hone Law, counsel for Defendant Top Rank,  
4 Inc. in the above-captioned matter. I am duly licensed to practice law in the State of Nevada and  
5 have personal knowledge of all facts addressed herein.

6 2. I submit this declaration in support of Defendant Top Rank, Inc's Opposition to  
7 Plaintiff's Motion to Remand.

8       3.       On February 2, 2022, Top Rank filed its Statement Regarding Removal, ECF No.  
9 14, which identified legal authorities regarding snap removal, including a “but see” citation to  
10 this Court’s decision rejecting snap removal in *Wells Fargo Bank, N.A. v. Fid. Nat'l Title Group,*  
11 *Inc.*, 2020 WL 7388621, at \*4 (D. Nev. Dec. 15, 2020).

12       4.      On February 7, 2022, I participated in a telephone conference with Hector  
13 Carbajal II, of Carbajal Law, counsel for Plaintiff Terence Crawford (“Crawford”) regarding the  
14 anticipated upcoming schedule of motion practice in this case. Based upon the timing of Top  
15 Rank’s Petition for Removal and Crawford’s service of the Complaint, Crawford’s motion to  
16 remand, if any, and Top Rank’s first responsive pleading were both due on or before February  
17 14, 2022.

18       5.     During this telephone conference, I informed Mr. Carbajal that, from Top Rank's  
19 perspective, it would serve the interests of judicial economy for the parties to have certainty  
20 regarding the forum this case would be litigated before Top Rank filed anticipated motions to  
21 dismiss Crawford's complaint. To that end, I asked Mr. Carbajal whether Crawford intended to  
22 file a motion to remand this case to state court. Despite being on notice of this Court's *Wells*  
23 *Fargo Bank* decision rejecting snap removal, *see* ECF No. 14, Mr. Carbajal informed me that  
24 Crawford was still deciding whether to move to remand this case.

25       6.     Although Crawford remained undecided as to whether he would pursue remand,  
26 the parties agreed that the resolution of a potential motion to remand before Top Rank filed  
27 certain anticipated motions to dismiss the complaint served judicial economy. To that end, the  
28 parties agreed to a two-tiered stipulation to extend Top Rank's deadlines to respond to the



complaint dependent on whether Crawford ultimately decided to file a motion to remand: (1) if Crawford did not file a motion to remand, Top Rank's deadlines to be extended 14 days to February 28, 2022; or (ii) if Crawford filed a motion to remand, (a) if the court denies the motion, Top Rank's deadlines to be extended 14 days after entry of said order or (b) if the court grants the motion, Top Rank's deadlines to be subject to the applicable procedural rules and order of the state court in the remanded proceeding.

7       7. Because Crawford still had not decided whether he would file a motion to  
8 remand, the parties filed the two-tiered stipulation on February 11, 2022, three days before  
9 Crawford’s deadline to move to remand. ECF No. 19. The Court entered an order granting same  
10 on the same day. ECF No. 20.

11       8. Attached hereto as Exhibit 1-A is a true and accurate copy of the Clerk's Notice  
12 of Nonconforming Document, filed on January 12, 2022, by Steven D. Grierson, Clerk of the  
13 Court, in the matter *Crawford v. Top Rank, Inc.*, No. A-22-846568-B, District Court, Clark  
14 County, Nevada.

15 9. Attached hereto as Exhibit 1-B is a true and accurate copy of the Clerk's Notice  
16 of Curative Action filed on January 13, 2022, by Steven D. Grierson, Clerk of the Court, in the  
17 matter *Crawford v. Top Rank, Inc.*, No. A-22-846568-B, District Court, Clark County, Nevada.

18 I declare under penalty of perjury that the foregoing is true and correct.

19 Executed this 28th day of February 2022.

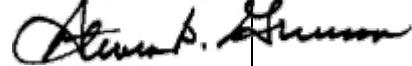
  
ERIC D. HONE

ERIC D. HONE



# **EXHIBIT 1-A**

Clerk's Notice of Nonconforming  
Document filed on January 12, 2022



1 CNND

2  
3 **DISTRICT COURT**  
**CLARK COUNTY, NEVADA**4 Terence Crawford, Plaintiff(s) A-22-846568-B  
5 vs. Department 13  
6 Top Rank, Inc., Defendant(s)7 **CLERK'S NOTICE OF NONCONFORMING DOCUMENT**  
89 Pursuant to Rule 8(b)(2) of the Nevada Electronic Filing and Conversion Rules, notice is  
10 hereby provided that the following electronically filed document does not conform to the  
applicable filing requirements:11 Title of Nonconforming Document: District Court Civil Cover Sheet  
12 Party Submitting Document for Filing: Plaintiff  
13 Date and Time Submitted for Electronic  
14 Filing: 01/12/2022 at 7:07 AM

15 Reason for Nonconformity Determination:

- 16  The document filed to commence an action is not a complaint, petition,  
application, or other document that initiates a civil action. *See Rule 3 of the*  
17 *Nevada Rules of Civil Procedure.* In accordance with Administrative Order 19-5,  
18 the submitted document is stricken from the record, this case has been closed and  
19 designated as filed in error, and any submitted filing fee has been returned to the  
20 filing party.
- 21  The document initiated a new civil action and the case type designation does not  
22 match the cause of action identified in the document. "Other Contract" was the  
23 selected case type designation on the District Court Civil Cover Sheet; however,  
24 "Business Court- Other Business Court Matters" was the selected case type when  
25 this matter was initiated in Odyssey File and Serve.
- 26  The document initiated a new civil action and a cover sheet was not submitted as  
27 required by NRS 3.275.

- The submitted document initiated a new civil action and was made up of multiple documents submitted together.
  - The case caption and/or case number on the document does not match the case caption and/or case number of the case that it was filed into.
  - The document was not signed by the submitting party or counsel for said party.
  - The document filed was a court order that did not contain the signature of a judicial officer. In accordance with Administrative Order 19-5, the submitted order has been furnished to the department to which this case is assigned.
  - Motion does not have a hearing designation per Rule 2.20(b). Motions must include designation “Hearing Requested” or “Hearing Not Requested” in the caption of the first page directly below the Case and Department Number.

Pursuant to Rule 8(b)(2) of the Nevada Electronic Filing and Conversion Rules, a nonconforming document may be cured by submitting a conforming document. All documents submitted for this purpose must use filing code "**Conforming Filing – CONFILE**." Court filing fees will not be assessed for submitting the conforming document. Processing and convenience fees may still apply.

Dated this: 12th day of January, 2022

By: /s/ Chaunte Pleasant  
Deputy District Court Clerk

## **CERTIFICATE OF SERVICE**

I hereby certify that on January 12, 2022, I concurrently filed and served a copy of the foregoing Clerk's Notice of Nonconforming Document, on the party that submitted the nonconforming document, via the Eighth Judicial District Court's Electronic Filing and Service System.

By: /s/ Chaunte Pleasant  
Deputy District Court Clerk

# **EXHIBIT 1-B**

Clerk's Notice of Curative Action  
filed on January 13, 2022

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**DISTRICT COURT**  
4 **CLARK COUNTY, NEVADA**

5 Terence Crawford, Plaintiff(s) A-22-846568-B  
vs.  
6 Top Rank, Inc., Defendant(s) Department 13

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**CLERK'S NOTICE OF CURATIVE ACTION**

8 In accordance with NEFCR 8(b)(2), notice is hereby provided that the Clerk's Office has  
9 replaced the following nonconforming document(s) with conforming document(s):

10  
11 Title of Nonconforming Document: District Court Civil Cover Sheet  
12 Party Submitting Document for Filing: Plaintiff  
13 Date and Time Submitted for Electronic  
Filing: 01/12/2022 at 7:07 AM

14 The conforming document(s) have been filed with a time and date stamp which match the  
15 time and date that the nonconforming document(s) were submitted for electronic filing.

16  
17 Dated this: 13th day of January, 2022.

18  
19 By: /s/ Chaunte Pleasant  
20 Deputy District Court Clerk

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2                   **CERTIFICATE OF SERVICE**  
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4                   I hereby certify that on January 13, 2022, I concurrently filed and served a copy of the  
5 foregoing Clerk's Notice of Curative Action, on the party that submitted the nonconforming  
6 document and all registered users receiving service under NEFCR 9(b), via the Eighth Judicial  
7 District Court's Electronic Filing and Service System.  
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9                   By: /s/ Chaunte Pleasant  
10                   Deputy District Court Clerk  
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